UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:22-CV-00413-FDW-DCK

DEBORAH PLYLER and ROBBIE G. PLYLER,)	
Plaintiffs,)	
v.	ORDE	<u>R</u>
COX BROTHERS, INC. et al.,)	
Defendants.)))	

THIS MATTER is before the Court on Defendants' Motion to Bifurcate Trial (Doc. No. 29). Though there is still time for Plaintiffs to respond to Defendants' motion, in the interest of judicial efficiency and in light of the upcoming Pretrial Submissions deadline, the Court will address the pending motion at this time.

The issue of whether to bifurcate trial is determined under Rule 42(b) of the Federal Rules of Civil Procedure as a matter within the Court's broad discretion. See Fed. R. Civ. P. 42(b); Central Transport Intern., Inc. v. General Elec. Co., 2008 WL 2257707, at *2–3 (Sept. 30, 2008) ("[W]hether to order bifurcation of claims/issues... rests squarely within the broad discretion of the District Court... Moreover, bifurcation of discovery is the exception, rather than the rule...").

After reviewing Defendants' arguments in support of bifurcation, the Court finds bifurcation of trial in this matter inappropriate, particularly considering the Court's ability to eradicate any potential for unfair prejudice through limiting instructions to the jury during the presentation of evidence. Accordingly, Defendants' Motion is DENIED.

IT IS THEREFORE ORDERED that Defendants' Motion to Bifurcate Trial (Doc. No. 29) is DENIED.

IT IS FURTHER ORDERED that the parties shall TAKE NOTICE that trial is scheduled to begin on Monday, November 6, 2023. (Doc. No. 11). The parties' Pretrial Submissions shall be due by October 16, 2023. Docket Call will take place at 9:01 a.m. on November 6, 2023, and the Final Pretrial Conference will take place immediately following Docket Call, in Courtroom #5B of the Charles R. Jonas Federal Building, located at 401 West Trade Street, Charlotte, North Carolina, 28202.

IT IS SO ORDERED.

Signed: October 11, 2023

Frank D. Whitney

United States District Judge